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EXAMINER

PEACHES, RANDY

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/932,842
Filing Date: August 17, 2001
Appellant(s): CHEN ET AL.

Frank C. Nicholas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief, hereinafter referenced as "brief", filed 2/6/2006 appealing from the Office action mailed 10/11/2005.

(1) *Real Party in Interest :*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that **claims 1-20** do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

A substantially correct copy of appealed **claims 20** appears on page 11 of the Appendix to the appellant's brief.

(9) Prior Art of Record

6,452,942	Lemieux
2002/0142721	Souissi
6,633,314	Tuli
6,233,460	Nojima

(10) Grounds of Rejection

Claims 1-20 are rejected under 35 U.S.C. 102(e) and 103(a). This rejection is set forth in a prior Office Action, mailed on 6/3/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-2 and 4-5** are rejected under 35 U.S.C. 102(e) as being anticipated by Lemieux (U.S. Patent Number 6,452,942 B1).

Regarding **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;

- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). The Examiner would like to further state, as disclosed in column 4 lines 23-31, the that the referenced facility can be a home, office , business, etc.; therefore, depending on the said facility the said devices maybe public or private devices. See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

Regarding **claim 2**, according to **claim 1**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," in communication with the said digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c).

Regarding **claim 4**, according to **claim 2**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," a connection between the wireless communication

devices and a private network. See FIGURE 2.

Regarding **claim 5**, according to **claim 1**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," wherein the at least one public telephone is in communication with the public switched telephone network over a pair of copper wires. See column 1 lines 33-39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 6-8, 10-11, 13-14, 16 and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Souissi et al. (U.S. Publication Number 2002/0142721 A1).

Regarding **claim 6**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

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- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11 standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing device supporting a European HyperLAN, which reads on claimed "802.11 standard."

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11 standard.

Regarding **claim 7**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11a standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing devices supporting 802.11b.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to

include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11b standard.

Regarding **claim 8**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11a standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing device supporting an 802.11a standard, which reads on claimed "802.11a standard."

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11a standard.

Regarding **claim 10**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being

adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11 standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing device supporting a European HyperLAN, which reads on claimed "802.11 standard."

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11 standard.

Regarding **claim 11**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claim 10**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," in communication with the said digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c).

Regarding **claims 13 and 18**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 11 and 16**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network

portion (244), which reads on claimed "broadband remote access service," a connection between the wireless communication devices and a private network. See FIGURE 2.

Regarding **claims 14 and 19**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 10 and 16**, Lemieux further teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," wherein the at least one public telephone is in communication with the public switched telephone network over a pair of copper wires. See column 1 lines 33-39.13.

Regarding **claim 16**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.
- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and

- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose wherein wireless local area network hub operates according to an IEEE 802.11a standard.

Souissi et al. teaches in paragraph [0010] of a wireless local area network containing devices supporting 802.11b.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Souissi et al. (U.S. Publication Number 2002/0142721 A1) in order to provide a wireless device capable of supporting the functional requirements of 802.11b standard.

3. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Tuli (U.S. Patent Number 6,633,314 B1).

Regarding **claim 3**, according to **claim 2**, Lemieux teaches in column 6 lines 48-57 and see FIGURE 2, of an access network portion (244), which reads on claimed "broadband remote access service," in communication with the said digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c).

However, Lemieux fails to disclose wherein the said access network portion (244) provides a connection between the wireless communication devices and an Internet service provider.

Tuli teaches in column 1 lines 33-43, of a portable device comprising a modem provides a peripheral device access to the Internet.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Tuli (U.S. Patent Number 6,633,314 B1) in order to provide a user access to the Internet via an access network portion. In turn, allows the user flexibility to utilize the resources provided by the wireless broadband system.

4. **Claims 12 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Souissi et al. (U.S. Publication Number 2002/0142721 A1) in further view of Tuli (U.S. Patent Number 6,633,314 B1).

Regarding **claims 12 and 17**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 11 and 16**, the combination fails to disclose wherein the said access network portion (244) provides a

connection between the wireless communication devices and an Internet service provider.

Tuli teaches in column 1 lines 33-43, of a portable device comprising a modem provides a peripheral device access to the Internet.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) to further include Tuli (U.S. Patent Number 6,633,314 B1) in order to provide a user access to the Internet via an access network portion. In turn, allows the user flexibility to utilize the resources provided by the wireless broadband system.

5. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Nojima (U.S. Patent Number 6,233,460 B1).

Regarding **claim 9**, according to **claim 1**, Lemieux discloses a system for establishing a public wireless local area network for a plurality of remote site users, which reads on claimed "wireless communication devices," the system comprising:

- a common carrier network (CCN, 202)(See FIGURE 2), which reads on claimed "public switched telephone network,". See column 3 lines 46-57;
- a digital subscriber line access multiplexer (DSLAM, 218a, 218b, 218c) in communication with the said CCN (202). See FIGURE 2.

- at least one device (D1-D3), which reads on claimed "public telephone," in communication with the said CCN (202). See FIGURE 2 and column 4 lines 22-31; and
- a wireless DSLAM (WL-DSLAM, 222), which reads on claimed "wireless local area network hub," in communication with the device (D1-D3) and with the (DSLAM, 218a, 218b, 218c), the said wireless DSLAM (WL-DSLAM, 222) being adapted to establish a digital subscriber line connection with the wireless communication devices. See FIGURE 2 and column 4 lines 9-31.

However, Lemieux fails to disclose least one public telephone is located in a booth.

Nojima teaches in column 6 lines 1-23, of a public telephone booth (2).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Lemieux (U.S. Patent Number 6,452,942 B1) to include Nojima (U.S. Patent Number 6,233,460 B1) in order to provide a means, which is a telephone located in a booth, to supply wireless broadband service for the immediate public's use.

6. **Claims 15 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemieux (U.S. Patent Number 6,452,942 B1) in view of Souissi et al. (U.S. Publication Number 2002/0142721 A1) in further view of Nojima (U.S. Patent Number 6,233,460 B1).

Regarding **claims 15 and 20**, as the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) are made, the combination according to claim according to **claims 10 and 16**, fails to disclose wherein at least one public telephone is located in a booth.

Nojima teaches in column 6 lines 1-23, of a public telephone booth (2).

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Lemieux (U.S. Patent Number 6,452,942 B1) and Souissi et al. (U.S. Publication Number 2002/0142721 A1) to further include Nojima (U.S. Patent Number 6,233,460 B1) in order to provide a means, which is a telephone located in a booth, to supply wireless broadband service for the immediate public's use.

(11) Response to Argument

Regarding the alleged unpatentability over the cited prior art of Lemieux (U.S. Patent Number 6,452,942 B1), hereinafter referenced as Lemieux, the Examiner will detail the position in which examination of the cited claims were made. The Appellant discloses on page 9 of the brief, wherein the independent **claims 1, 10 and 16** recite at least one public phone. In contrast, the Examiner cites in the prior art of Lemieux, devices D1-D3 as relevant elements supporting public telephones. As disclosed, and referenced by the Appellant, Lemieux teaches in column 4 lines 23-31 and FIGURE 2, the that the referenced facility can be a home, office, business, or any other facility; therefore, depending on the said facility the said devices maybe public or private devices. To

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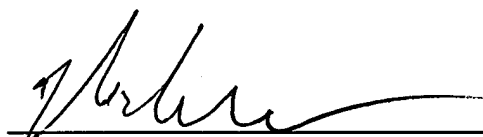
further explain the Examiner's position, if the facility is an office, the office will contain systems that are totally intended for private use; however, for visitors there are facilities deemed for public use as well.

Regarding **claims 2-9, 11-15 and 17-20** as stated by the Appellant, the arguments presented are based on the relevance of the arguments presented in **claims 1, 10 and 16**; therefore, based on the Examiner's response, **claims 2-9, 11-15 and 17-20** are moot and not persuasive.


Conferees




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